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10 and BRIAN MCDONALD

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **SAN FRANCISCO DIVISION**

14 In the Matter of

15 Case No.: C 06 2945 SC

16 The complaint of JAMES CRONIN and
17 BRIAN MCDONALD, as owners of the 21'
18 2005 Mastercraft Prostar 209 vessel bearing
19 Hull No. MBCMTLZZD505, for exoneration
20 from or limitation of liability.

21 **[CORRECTED]**
22 **[PROPOSED] ORDER APPROVING**
23 **STIPULATION FOR VALUE, COSTS,**
24 **AND INTEREST; DIRECTING**
25 **MONITION; ENJOINING AND**
26 **RESTRANING OTHER ACTIONS**

27 WHEREAS, a petition having been filed in this Court on May 2, 2006, pursuant to
28 Supplemental Admiralty Rule F(2) of the Federal Rules of Civil Procedure, by James Cronin and
1 Supplemental Admiralty Rule F(2) of the Federal Rules of Civil Procedure, by James Cronin and
2 Brian McDonald (herein "Petitioners") as owners of the twenty-one foot, 2005 Mastercraft
3 Prostar 209 vessel bearing hull number MBCMTLZZD505 (herein "the Vessel"), praying for
4 exoneration from or limitation of liability for any and all losses or damages or from any claim or
5 claims in any way arising out of or related to the activities of the Vessel or otherwise resulting or
6 arising out of the voyages of said Vessel on or about July 30, 2005, and for certain other relief;
7 and

8 WHEREAS, said Complaint having stated the facts and circumstances upon which

1 exoneration and limitation is claimed, and it appearing that claims have been made, or may in the
 2 future be made against the Petitioners and/or the Vessel for losses and damages said to have been
 3 occasioned or incurred as consequence of the activities of the vessel, and may or will exceed the
 4 value of Petitioners' interest in said Vessel, if any, and its pending freight, and

5 WHEREAS, Petitioners, as principals, having deposited with the Court as security for the
 6 benefit of the claimants, a stipulation for value, costs and interest dated April 24, 2006 with
 7 attached Letter of Undertaking, and executed by Oregon Mutual Insurance Company, as surety, in
 8 the total amount of Fifty-One Thousand Dollars (\$51,000.00), which amount represents the sum
 9 of Petitioners' interest or alleged interest in the Vessel, her freight then pending as of the voyage
 10 which commenced on July 30, 2005, and Petitioners' statutory obligation to give costs in
 11 compliance with Supplemental Rule F(1) of the Federal Rules of Civil Procedure, and Local
 12 Admiralty Rule 5-1;

13
 14 NOW, THEREFORE, on application of Petitioners,

15 IT IS HEREBY ORDERED that the Clerk shall issue a notice and monition under the seal
 16 of this Court to and against all persons or concerns claiming damages for any and all losses or
 17 damages occasioned by the activities of the Vessel on the voyage which commenced on or about
 18 July 30, 2005, admonishing them and each of them to appear and file their respective claims with
 19 the Clerk of this Court on or before the 10th day of June, 2006, and make due proof
 20 of their respective claims in such manner as may hereinafter be directed by further order of this
 21 Court, subject to the right of any such persons or concerns to controvert or question said claims,
 22 with liberty also to any such claimants who have duly filed their claims to answer the petition
 23 herein and to file such answer with the Clerk of this Court on or before hereinafter specified; and
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26 IT IS FURTHER ORDERED that public notice of said monition pursuant to Supplemental
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1 Admiralty Rule F(4) of the Federal Rules of Civil Procedure shall be given by publication thereof
 2 in the newspaper known as the Daily Journal published in San Francisco, and that such notice
 3 shall be published once a week for four successive weeks prior to the date fixed herein for the
 4 filing of claims; and

5 IT IS FURTHER ORDERED that not later than the date of the second publication of said
 6 notice, Petitioners shall mail or caused to be mailed a copy of the said notice to every person or
 7 concern known to have made any claim that remains outstanding against the Vessel or against
 8 James Cronin and/or Brian McDonald's interest in the Vessel, or against any of the Petitioners as
 9 owners of the Vessel; and

10 IT IS FURTHER ORDERED that further prosecution of any and all suits, actions and
 11 proceedings which may already have been commenced against the Vessel or Petitioners alleging
 12 that they are its owners, in any Court wheresoever to recover damages arising out of, or related to
 13 the activities of the Vessel on the voyage which began on or about July 30, 2005, and the
 14 institution and prosecution of any suits, actions or legal proceedings of any nature or description
 15 whatsoever in any Court wheresoever, except in this proceeding for exoneration from or
 16 limitation of liability against Petitioners, or otherwise subject to limitation in this proceeding, are
 17 stayed and restrained; and

18 IT IS FURTHER ORDERED that service of this Order as a restraining order shall be
 19 made within this District in the usual manner and in any other District of the United States by the
 20 United States Marshal for such district by delivering a certified copy of this Order to the person or
 21 persons to be restrained, or to their respective attorneys or representatives.

22 IT IS FURTHER ORDERED that the above-described stipulation for value, cost, and
 23 interest, and attached Letter of Undertaking, deposited by petitioners and/or their insurers with the
 24 Court for the benefit of potential claimants in the amount of Fifty-One Thousand Dollars
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1 (\$51,000.00), as security for the amount of the value of petitioner's interest or alleged interest in
2 the vessel, her freight then pending and for costs and interest such as petitioners are statutorily
3 obligated to give under Supplemental Rule F(1), be approved and Petitioners hereby are decreed
4 to be in compliance with Supplemental Rule F(1) of the Federal Rules of Civil Procedure and
5 with Local Admiralty Rule 5-1.

6 IT IS FURTHER ORDERED that Petitioners shall bear the costs of publication of Public
7 Notice described herein and any additional costs incurred in connection with notifying all
8 persons or concerns claiming damages for any and all losses or damages occasioned by the
9 activities of the Vessel.

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11 Dated: May 11, 2006
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